

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

**CITYNET, LLC, on behalf of
United States of America,**

Plaintiff,

v.

Case No.: 2:14-cv-15947

**FRONTIER WEST VIRGINIA, INC.,
et al.,**

Defendants.

**MEMORANDUM OPINION AND ORDER SEALING EXHIBIT 1
TO FRONTIER DEFENDANTS' RESPONSE TO PLAINTIFF'S
MOTION TO COMPEL/MOTION FOR IN CAMERA REVIEW**

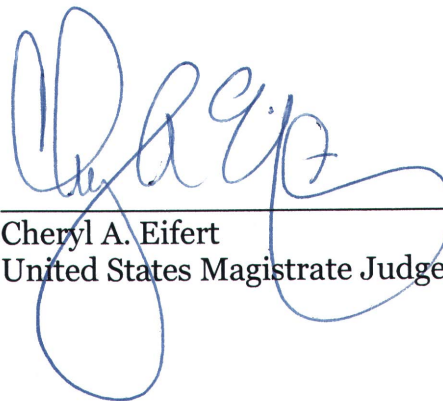
Pending before the Court is the Frontier Defendants' Motion for Leave to File Under Seal, (ECF No. 357), requesting Exhibit 1 to their Response to Plaintiff's Motion to Compel/Motion for In Camera Review be filed as sealed. The Court notes that the attached exhibit contains confidential information. Due to the confidential nature of this information, this Court **GRANTS** Frontier Defendants' motion to seal and **ORDERS** the Clerk to seal Exhibit 1 to the Frontier Defendants' Response to Plaintiff's Motion to Compel/Motion for In Camera Review. (ECF No. 357-1). The Motion to Seal and Frontier Defendant's Response itself, (ECF Nos. 356, 357), should not be sealed.

The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three-step process: (1) provide public notice of the

request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, Exhibit 1 to the Frontier Defendants' Response to Plaintiff's Motion to Compel/Motion for In Camera Review shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the document, but in view of the nature of the information set forth in the document—which is information generally protected from public release—alternatives to wholesale sealing are not feasible at this time. Moreover, the information provided in Exhibit 1 is for the purpose of resolving a discovery dispute, rather than for disposition of substantive claims in this action. Accordingly, the Court finds that sealing Exhibit 1 to the Frontier Defendant's Response to Plaintiff's Motion to Compel/Motion for In Camera Review, does not unduly prejudice the public's right to access court documents. Accordingly, the Clerk is **DIRECTED** to file Exhibit 1 to the Frontier Defendants' Response to Plaintiff's Motion to Compel/Motion for In Camera Review, (ECF No. 357-1), under seal.

The Clerk is instructed to provide a copy of this Order to counsel of record and any unrepresented parties.

ENTERED: June 3, 2022



Cheryl A. Eifert
United States Magistrate Judge